

### REMARKS

This is a Response to the Office Action mailed July 6, 2007, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire October 6, 2007. Twenty four (24) claims, including four (4) independent claims, were paid for in the application. Claims 1, 3, 6, 8, 15, 16, 19, 20, 22 and 23 have been amended. Claims 2, 4-5, 7, 9-14, 17-18 and 21 have been canceled without prejudice. Claim 25 has been added. No new matter has been added to the application. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090. Claims 1, 3, 6, 8, 15-16, 19-20 and 22-25 are pending.

### Objections

Claims 2, 4, 9, 13 and 17 were objected to as being dependent on a rejected base claim. The Examiner indicated that such claims would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims.

The Examiner also indicated that the cited art made of record neither discloses nor suggests the combination of limitations "wherein a correlation between the third phase code and the second phase code being set lower than a correlation between the third phase code and the first phase code," as recited in claim 2. Thus, the Examiner noted that claims 4, 9, 13 and 17, which depend from claim 2, would be allowable if claim 2 was rewritten in independent form. Applicant thanks the Examiner for this indication of allowable subject matter.

Claims 1 and 22-23 have been amended to include the limitation "wherein a correlation between the third phase code and the second phase code is set lower than a correlation between the third phase code and the first phase code," as substantially recited in claim 2. Thus, claims 1 and 22-23 are allowable over the art of record, as are claims 3, 6, 8, 15, 16, 19, 20, 24 and 25, which depend therefrom.

### Rejections Under 35 U.S.C. § 102(b)

Claims 1, 5-8, 10-12, 14-20 and 21 were rejected under 35 U.S.C. § 102(b) as anticipated by Curtis et al. U.S. Patent No. 5,719,691 (hereinafter "Curtis").

As noted above, claims 5, 7, 10-12, 14, 17-18 and 21 have been canceled without prejudice.

As discussed above, claim 1 has been amended to include the subject matter indicated by the Examiner as allowable over the art of record. In particular, claim 1 has been amended to include the limitation “wherein a correlation between the third phase code and the second phase code is set lower than a correlation between the third phase code and the first phase code.” Consequently, claim 1 is allowable over Curtis as are claims 6, 8, 15, 16, 19 and 20, which depend therefrom.

#### Rejections Under 35 U.S.C. § 103

Claim 22 was rejected under 35 U.S.C. § 103(a) as unpatentable over Curtis in view of Trisnadi U.S. Patent No. 5,627,664 (hereinafter “Trisnadi”).

As discussed above, claim 22 has been amended to include the subject matter indicated by the Examiner as allowable over the art of record, whether alone or in combination. In particular, claim 22 has been amended to include the limitation “wherein a correlation between the third phase code and the second phase code is set lower than a correlation between the third phase code and the first phase code.” Consequently, claim 22 is allowable over Curtis in view of Trisnadi.

Claim 3 was rejected under 35 U.S.C. § 103(a) as unpatentable over Curtis in view of Wilson et al. U.S. Patent No. 6,697,180 (hereinafter “Wilson”).

As also discussed above, claim 1 has been amended to include the subject matter indicated by the Examiner as allowable over the art of record, whether alone or in combination. In particular, claim 1 was amended to include the limitation “wherein a correlation between the third phase code and the second phase code is set lower than a correlation between the third phase code and the first phase code.” Thus, claim 1 is allowable over Curtis in view of Wilson. Consequently, claim 3, which depends from allowable claim 1 is likewise allowable.

New Claim 25

As mentioned above, new claim 25 depends from allowable claim 1. Thus, claim 25 is believed to be allowable.

Conclusion

Applicant thanks Examiner Nguyen for indicating the allowable subject matter of claims 2, 4, 9, 13 and 17. Overall, the cited references do not singly, or in any motivated combination, teach or suggest the claimed features of the embodiments recited in independent claims 1, 22 and 23, and thus such claims are allowable. Because the remaining claims depend from the allowable independent claims, and also because they include additional limitations, such claims are likewise allowable. If the undersigned agent has overlooked a relevant teaching in any of the references, the Examiner is requested to point out specifically where such teaching may be found.

In light of the above amendments and remarks, Applicant respectfully submits that all pending claims are allowable. Applicant, therefore, respectfully requests that the Examiner reconsider this application and timely allow all pending claims. Examiner Nguyen is encouraged to contact Mr. Stern by telephone to discuss the above and any other distinctions between the claims and the applied references, if desired. If the Examiner notes any informalities in the claims, he is encouraged to contact Mr. Stern by telephone to expediently correct such informalities.

Respectfully submitted,  
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